



Arizona Regulatory Board of Physician Assistants

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Janet Napolitano
Governor

Randy Danielsen, Ph.D., P.A.-C.
Chairman

Barry A. Cassidy, Ph.D., P.A.-C.
Executive Director

FINAL MINUTES FOR REGULAR SESSION MEETING Held at 1:00 p.m. on May 19, 2004 9535 E. Doubletree Ranch Road - Scottsdale, Arizona

Board Members

Randy D. Danielsen, Ph.D., P.A.-C, Chair
Albert Ray Tuttle, P.A.-C, Vice Chair
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko, Public Member
Anna Marie Prassa, Public Member
Joan M. Reynolds, P.A.-C
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director / Investigations & Quality Assurance
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Lisa McGrane, Legal and Communications Coordinator
Tina Speight, Public Affairs Coordinator

WEDNESDAY, MAY 19, 2004

CALL TO ORDER

Randy D. Danielsen, Ph.D., P.A.-C, Chair, called the meeting to order at 1:01 p.m.

ROLL CALL

The following Board members were present: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D. Anna Marie Prassa, Joan M. Reynolds, P.A.-C, and Barry D. Weiss, M.D., FAAFP. The following Board members were absent from the meeting: Sigmund Popko and Peter C. Wagner, D.O.

CALL TO THE PUBLIC

Statements issued during the Call to the Public are listed beneath the case number referenced in the statement.

NON-TIME SPECIFIC ITEMS

Proposal To Alter Monitoring Requirements In Remote Geographic Locations

Representatives from Canyon Lands Community Health Center (the Community) made a statement to the Board at the call to the public. They provide healthcare in rural and remote areas in northern Arizona, but have encountered obstacles in providing care. This is because of the difficulty that the supervising physicians have faced in meeting with the Physician Assistants (PA) on a weekly basis. They are seeking another mechanism to meet with physician assistants. The Community expressed their desire to comply with statute.

The Board members brought up the possibility of visual electronic communication. The Community is in the process of developing this to provide a video link through high-speed cable. They are also working on electronic medical records in

compliance with the Health Insurance Portability and Accountability Act (HIPPA) regulations. This would allow a physician in one area to view the same medical record in real time with the PA. Albert Ray Tuttle, P.A.-C, pointed out the legal advisor memo that noted that allowing other than in weekly in person meetings requires a statutory change. Christine Cassetta, Board Legal Advisor, confirmed, but informed the Board members that there are options. Barry D. Weiss, M.D., FAAFP, expressed the need to ensure any changes are specified as applicable only in remote locations. Dr. Weiss would like Board staff to look into this. G. Bradley Klock, D.O., stated that if a statutory change is required then this might be the Board's responsibility. This would put the Board into an uncomfortable situation. Dr. Klock agreed with Dr. Weiss that Board staff should look into this matter thoroughly. Dr. Weiss suggested that Board staff review the state of Alaska's laws and regulations regarding this type of situation. The Community suggested that monthly visits by the supervising physician as opposed to weekly visits.

MOTION: Barry D. Weiss, M.D., FAAFP, moved that Board staff investigate this matter and report to the Board at a future meeting for discussion and possible determination.

SECONDED: Albert Ray Tuttle, P.A.-C

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

MOTION: Albert Ray Tuttle, P.A.-C, moved to go in to executive session for legal advice at 1:33 p.m.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

The Board returned to open session at 1:41 p.m.

Approval of Minutes

January 27, 2004, Special Teleconference Minutes

MOTION PASSED. Anna Marie Prassa moved to approve the January 27, 2004, Special Teleconference Minutes

SECONDED: James Edward Meyer, M.D.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

February 25, 2004 Meeting Minutes

MOTION: James Edward Meyer, M.D., moved to approve the February 25, 2004, Meeting Minutes

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-03-0020A	G.M.	MARION W. MEMMOTT, P.A.-C.	2255	Place on the next agenda to be considered for an Advisory Letter.

This matter was pulled from the block vote for individual consideration. Barry D. Weiss, M.D., FAAFP, stated that this patient was only a few months old. Follow up was never done. Michael E. Goodwin, P.A.-C, stated that the mother wanted the x-rays. Dr. Weiss also stated that an infant coming in with respiratory problems should not be handled lightly. He stated that this is not good practice at all. Dr. Weiss suggested issuing Marion W. Memmott, P.A.-C, an Advisory Letter. Christine Cassetta, Board Counsel, stated that the options for the Board would be to dismiss this matter, invite P.A. Memmott for a formal interview, or place this matter on a future agenda for an Advisory Letter. Dr. Meyer stated that an Advisory Letter would be appropriate in this case.

MOTION: Albert Ray Tuttle, P.A.-C, moved to place this item on the next agenda to be considered for an Advisory Letter.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
2.	PA-04-0005A	S.K.	NITZA LYN GLICK, P.A.-C.	1974	Dismissed.
3.	PA-03-0028A	J.S.	GARY JOEL NORTH, P.A.-C.	2618	Dismissed.
4.	PA-03-0037B	ARBoPA	ROBERT PAUL GERVAIS, P.A.-C.	2036	Dismissed.

NON-TIME SPECIFIC ITEMS (Continued)

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
5.	PA-04-0007A	A.W.	SHELLEY PORTER MILLER, P.A.-C.	2624	Dismissed.
6.	PA-03-0013A	ARBoPA	MICHAEL JOSEPH ELIAS, P.A.-C.	2132	Dismissed.

MOTION: James Edward Meyer, M.D., moved to dismiss cases 1 through 6 except for case number 1, which was considered individually.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
7.	PA-03-0009A	C.S.	BARBRA FALTA, P.A.-C.	1829	Letter of Reprimand for failing to perform the necessary testing to eliminate from her differential diagnosis sources of illnesses, including appendicitis, urinary tract infection, and pelvic inflammatory disease.

MOTION: Michael E. Goodwin, P.A.-C, moved to adopt the Draft Findings of Fact, Conclusions of Law, and Order for a Letter of Reprimand for failing to perform the necessary testing to eliminate from her differential diagnosis sources of illnesses, including appendicitis, urinary tract infection, and pelvic inflammatory disease.

SECONDED: Anna Marie Prassa

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, and Barry D. Weiss, M.D., FFAFP The following Board members were absent when this matter was considered: Sigmund Popko and Peter C. Wagner, D.O.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
8.	PA-04-L100A	ARBoPA	ROBERT C. WAKEFIELD, P.A.	N/A	Grant licensure once the application is complete.

David Wakefield made a statement to the Board at the call to the public on behalf of his brother Robert C. Wakefield, P.A. He stated that P.A. Wakefield disclosed the misdemeanor that occurred in 1978 on his licensure application for the Arizona Regulatory Board of Physician Assistants (ARBoPA). Steps were taken to attempt to obtain the documentation as requested by the Licensing Staff.

P.A. Wakefield made a statement to the Board at the call to the public. He attempted to disclose all the facts that he was aware of. He expressed a sincere desire to practice in the State of Arizona as a Physician Assistant.

Lisa Bruning, Senior Licensing Investigator, and Michelle Semenjuk, Licensing Division Chief, appeared before the Board. Ms. Bruning reviewed this case with the Board. Ms. Bruning stated P.A. Wakefield has misled Board staff regarding the details of the 1978 misdemeanor. Also, Board staff was able to obtain court documentation regarding the misdemeanor in 1978, but P.A. Wakefield was not.

G. Bradley Klock, D.O., stated that P.A. Wakefield intended to inform the Board of the misdemeanor because he included it on his application. Ms. Semenjuk stated P.A. Wakefield informed Board staff that he pled no contest, which was not true. P.A. Danielsen confirmed with Ms. Semenjuk that licensing staff has never received P.A. Wakefield's full narrative. Christine Cassetta, Board Counsel, confirmed with Ms. Semenjuk that Board staff was able to obtain the documentation directly from the court and not from P.A. Wakefield. The Board members expressed concern that Board staff was able to obtain the court documents, yet P.A. Wakefield maintained that he could not. The Board members confirmed with Ms. Semenjuk that the court clerk informed her that these were public documents. P.A. Danielsen reiterated that the Board is considering whether P.A. Wakefield was being truthful. Joan M. Reynolds, P.A.-C, questioned the decisions that P.A. Wakefield would make as a Physician Assistant if he were not being honest about this situation. Ms. Semenjuk stated she instructed P.A. Wakefield to obtain the documents from the court and even provided him with a web site and a phone number. She stated that P.A. Wakefield maintained that he was unable to retrieve the documents from the court.

MOTION: Barry D. Weiss, M.D., FFAFP, moved to deny licensure to P.A. Wakefield according to A.R.S. § 32-2521(A)(4), 32-2501(21)(z), and 32-2501(21)(bb).

SECONDED: James Edward Meyer, M.D.

Michael E. Goodwin, P.A.-C, stated that it was clear on the application that P.A. Wakefield informed the Board of the misdemeanor. He was 21 years of age at that time, has since obtained an education, and has been released from the court. He questioned why the P.I. was unable to obtain the same records that Board staff was able to and questioned the efficiency of the court's office. P.A. Goodwin stated that it would not be appropriate to deny P.A. Wakefield a license. Ms. Cassetta pointed out a statement, provided to the Board members, from the investigative services stating that the clerk informed them that there were no relevant files and advised that if there were a file, it would have been destroyed since it was over 20 years ago. Ms. Semenjuk reiterated that she had the documents from the court within hours. Anna Marie Prassa stated that this is just the way the system is. Dr. Meyer stated that P.A. Wakefield was unwilling to pursue what the Board requested. Ms. Semenjuk stated that the Board requires a written narrative. Also, he would not disclose to the Board the details of the case. Dr. Weiss questioned if there are other character issues if this P.A. is not willing to go the extra mile to obtain his own records for licensure. Dr. Meyer agreed.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: James Edward Meyer, M.D., and Barry D. Weiss, M.D., FAAFP. The following Board members voted against the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, and Joan M. Reynolds, P.A.-C. The following Board members were absent from the meeting: Sigmund Popko and Peter C. Wagner, D.O.

VOTE: 2-yay, 6-nay, 0-abstain/recuse, 2-absent

MOTION FAILED.

MOTION: Michael E. Goodwin, P.A.-C, moved to grant licensure once the application is complete.

SECONDED: G. Bradley Klock, D.O.

Albert Ray Tuttle, P.A.-C, requested that the motion be amended for the P.A. to submit a full narrative with an explanation. P.A. Goodwin and Dr. Klock accepted the amendment.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, and Joan M. Reynolds, P.A.-C. The following Board members voted against the motion: James Edward Meyer, M.D., and Barry D. Weiss, M.D., FAAFP. The following Board members were absent from the meeting: Sigmund Popko and Peter C. Wagner, D.O.

VOTE: 6-yay, 2-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
9.	PA-02-0010A	ARBOPA	AMANDA LEWIS, P.A.-C.	2181	The Board took no action.

RECOMMENDATION FOR NON-DISCIPLINARY ACTION

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-03-0020B	G.M.	SHANNON DENISE MCLEAN, P.A.-C.	2736	Invite Shannon D. McLean, P.A.-C, for a Formal Interview before the Board.

MOTION: Albert Ray Tuttle, P.A.-C, moved to issue an Advisory Letter for negligently diagnosing pneumonia and prescribing an antibiotic without evidence of an infection.

SECONDED: G. Bradley Klock, D.O.

Michael E. Goodwin, P.A.-C, stated that this case should have more than an Advisory Letter. He expressed concerns about the misdiagnosis and treatment over the phone and a lack of chart review. Roderic Huber, M.D., Board Medical Consultant, appeared before the Board. P.A. Goodwin stated that the Physician Assistant (PA) never saw the patient or examined the patient. The PA went off of a six week old x-ray. Dr. Weiss stated that the management of this case was without rationale. P.A. Danielsen confirmed with Christine Cassetta, Board Legal Counsel, that their option would be to bring the PA for a formal interview.

VOTE: 0-nay, 8-nay, 0-abstain/recuse, 2-absent

MOTION FAILED.

MOTION: Michael E. Goodwin, P.A.-C, moved to invite Shannon D. McLean, P.A.-C, for a formal interview before the Board.

SECONDED: Joan M. Reynolds, P.A.-C

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

ADJOURNMENT

MOTION: Anna Marie Prassa moved to adjourn the meeting.

SECONDED: James Edward Meyer, M.D.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

Meeting adjourned at 2:26 p.m.

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director

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